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GAY, SONIA L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/823,901

Applicant(s)

NIERHAUS, FLORIAN PATRICK

Examiner

SONIA GAY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Amendment submitted on 05/04/2009. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

1. Applicant's amendment filed on May 4, 2009 has been entered. Claims 1, 11, and 21 have been amended. Claim 6 has been canceled. No claims have been added. Claims 1 – 29 are still pending in this application, with claims 1, 11, and 21 being independent.

Allowable Subject Matter

2. The indicated allowability of claim 6 is withdrawn in view of the newly discovered reference(s) to Sarkar et al. (US 7,236,580). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. Claims 1- 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (7,412,040) in view of Moore et al. (US 2004/0086100), and further in view of Sarkar et al. (US 7,236,580).

For claim 1, Koch discloses a conferencing method comprising: receiving first conference-endpoint data from a first conference type identifier specifying a second conference type for a second endpoint participating in a conference with the first endpoint (column 6 lines 13 – 33) reading conference type identifier from a memory, the conference type identifier specifying a second conference type for a second endpoint participating in the conference with

the first endpoint (column 5 lines 45 – 62; column 7 lines 48- 61); determining whether the second conference type is different than the first conference type (column 6 lines 24 – 33); selecting a conversion program based whether the second conference type is different than the first conference type (column 6 lines 24 - 33); reading an endpoint identifier for the first endpoint (column 6 lines 13 – 33); and, initiating execution of the conversion program on the first conference- endpoint data to prepare converted first conference-endpoint data compatible with the second conference type from the first conference-endpoint data (column 6 lines 44 – 61; column 7 lines 13 – 21; column 8 lines 8 - 35). Yet, Koch fails to teach selecting and specifying a conversion parameter for the conversion program based on the endpoint identifier; and, transmitting the converted conference-endpoint data to the first and second endpoint.

However, Moore et al. discloses a method for completion of calls by way of an instant communications client wherein a conversion parameter is selected and specified for the purpose of converting the first-conference endpoint data to data that is compatible with a second conference type ([0018] [0064] [0107 - 0111]). Moreover, Sarkar et al. discloses a method for the purpose of conducting a conference call wherein any conference endpoint may receive converted first endpoint data (Abstract; column 1 lines 34 – 42; column 4 lines 64 - column 5 line 9; column 5 lines 39 – 63; column 9 lines 41 – column 10 line 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Moore et al. and Sarkar et al. to select and specify conversion parameters for the purpose of converting the first-conference endpoint data tot data that us compatible with a second conference type; and, transmit

the converted first conference endpoint data to any endpoint, including both the first and second endpoint, for the purpose of conducting real time messaging as disclosed in Koch (Abstract).

For claim 2, Koch further discloses where the first conference type is a text messaging conference, and where the second conference type is a voice conference (Koch, column 5 lines 1 - 19).

For claim 3, Koch further discloses where the act of initiating execution of the conversion program comprises initiating execution of a text-to-speech translator (Koch, column 6 lines 44 - 61).

For claim 4, Koch further discloses where the act of initiating execution of the conversion program comprises initiating execution of a speech-to-text translator (Koch, column 7 lines 13 - 21).

For claim 5, Koch further discloses where the act of transmitting comprises transmitting the converted first conference-endpoint data and a first endpoint identifier to the second endpoint (Koch, column 6 lines 13 - 21, 56 - 61; column 8 lines 8 - 22).

For claim 7, Koch further discloses receiving second conference-endpoint data for the second conference type from the second endpoint; preparing converted second conference-endpoint data; and transmitting the second converted conference-endpoint data to the first endpoint (Koch, column 6 lines 62 - column 7 line 37).

For claim 8, the teachings of Koch and Moore et al. further disclose where the act of initiating execution of the conversion program comprises initiating execution of a text-to-speech

translator, and further comprising the act of selecting a voice for at least one of the first and second endpoints (Koch, column 6 lines 44 – 61) (Moore et al., [0111]).

For claim 9, Moore et al. further discloses where at least one of first conference type and second conference type is at least one of a decentralized text messaging conference and a centralized text messaging conference (Moore et al., [0018] [0021] [0053 – 0055] [0063] [0099] [0100]).

For claim 10, the teachings of Koch and Moore et al. further discloses where reading an endpoint identifier comprises: reading a name indicia that identifies the source of the first conference-endpoint data; and where: the conversion parameter comprises a voice model conversion parameter that distinguishes between male and female voice production (Koch , column 6 lines 44- 61) (Moore, [0111]).

4. Claims 11 –17, 21, and 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994) in view of Sarkar et al. (US 7,236,580).

For claims 11 and 21, Koch discloses a conference system and computer readable medium (*network translator service*, Fig.2, 200; column 11 lines 27 - column 12 lines 29), comprising: a memory (*data store*, column 5 lines 45 – 62) comprising : a first conference-endpoint data for a first conference type received from a first endpoint (column 5 lines 45 – 62; column 6 lines 34 – 40; column 9 lines 6 – 14; column 9 lines 51 - 61); a conference type identifier specifying a second conference type for a second endpoint participating in a conference with the first endpoint (column 5 lines 29 – 62; column 6 lines 34 – 40); a conversion program operable to prepare converted first conference endpoint data compatible with the second

conference type from the first conference endpoint data (column 6 lines 44 - 61) and a processor (*VoiceXML gateway*, column 6 lines 13 - 23) operable to determine whether the second conference type is different than the first conference type and to execute the conversion program when the second conference type is different than the first conference type (column 6 lines 13 - 23). Yet, Koch fails to teach where the processor initiates transmission of the converted first endpoint data to the first endpoint and second endpoint and transmission of the first conference-endpoint data to the second endpoint.

However, Sarkar et al. discloses a method for the purpose of conducting a conference call wherein any conference endpoint may receive both the first conference endpoint data and the converted first endpoint data (Abstract; column 1 lines 34 - 42; column 4 lines 64 - column 5 line 9; column 5 lines 39 - 63; column 7 lines 9 - 33, 66 - column 8 liner 10; column 9 lines 41 - column 10 line 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Sarkar et al. to transmit first-conference endpoint data and converted first conference endpoint data to any endpoint, including both the first and second endpoint, for the purpose of conducting real time messaging as disclosed in Koch (Abstract).

For claim 12, Koch further discloses where the first conference type is a text messaging conference, and where the second conference type is a voice conference (Koch, column 5 lines 1 - 19).

For claim 13 and 23, Koch further discloses where the conversion program comprises at least one of a text-to-speech translator and a speech-to-text translator (Koch, column 6 lines 44 – 61; column 7 lines 13 – 21).

For claim 14, Koch further discloses where the conversion program comprises a text-to-speech translator, and where the memory further comprises a speech-to-text translator (Koch, column 6 lines 44 – 61; column 7 lines 13 – 21).

For claims 15 - 16 and 24, Koch further discloses where: the memory further comprises second conference-endpoint data for the second conference type received from the second endpoint (Koch, (column 5 lines 45 – 62; column 6 lines 34 – 40; column 9 lines 6 – 14; column 9 lines 51 - 61); and, where the processor executes the text-to speech translator on the first conference -endpoint data to prepare the converted first conference-endpoint data, and executes the speech-to-text translator on the second conference-endpoint data to prepare converted second conference-endpoint data (Koch, column 6 lines 62 – column 7 line 37); and where the processor initiates transmission of the second converted conference-endpoint data to the first endpoint (Koch, column 6 lines 62 – column 7 line 37).

For claims 17 and 25, Koch further discloses where the act of transmitting comprises transmitting the converted first conference-endpoint data and a first endpoint identifier to the second endpoint (Koch, column 6 lines 13 – 21, 56 – 61; column 8 lines 8 – 22).

5. Claims 18 -19 and 26 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994) in view of Sarkar et al. (US 7,236,580), and further in view of Moore et al. (US 2004/0086100).

For claims 18, 26, and 28, Koch fails to teach where the first or second conference type is at least one of a centralized and decentralized instant messaging conference, and where the processor is operable to initiate transmission of the converted first endpoint data according to a pre-selected instant messaging protocol. However, Moore et al. discloses a method for completion of calls by way of an instant communications client where the first or second conference type is at least one of a centralized and decentralized instant messaging conference, and where the processor is operable to initiate transmission of the converted first endpoint data according to a pre-selected instant messaging protocol ([0018] [0021] [0053 – 0055] [0063] [0099] [0100]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Koch wherein the first conference type text conference is at least one of a centralized and decentralized instant messaging conference, and where the processor is operable to initiate transmission of the converted first endpoint data according to a pre-selected instant messaging protocol for the purpose of completing calls by way of an instant communications client.

For claims 19 and 27, Koch further discloses where the conversion program is a text-to-speech translator (Koch, column 6 lines 44 - 61), yet fails to teach where the memory comprises voice data for at least one of the first and second endpoints. However, Moore et al. discloses a method for the completion of calls by way of an instant communications client wherein a memory comprises voice data for a voice for at least one of the first and second endpoints ([0018] [0064] [0107 - 0111]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with teachings of Moore et al. to store voice data for a voice for at least one of the endpoints disclosed above in Koch for the purpose of personalizing the system to provide a rich end-user experience through the use of user-specific simulated voice prints and/or language translation.

For claim 29, Koch fails to teach reading an endpoint identifier and establishing aiding data for speech-to-text translation associated with the endpoint identifier. However, Moore et al. discloses a method for the completion of calls by way of an instant communications client wherein a memory comprises aiding data for speech-to-text translation associated with an endpoint identifier ([0018] [0064] [0105 - 0111]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with teachings of Moore et al. to store aiding data for speech-to-text translation as disclosed above in Koch for the purpose of personalizing the system to provide a rich end-user experience through the use of user-specific simulated voice prints and/or language translation.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994) in view of Sarkar et al. (US 7,236,580), and further in view of Smyth et al. (US 7,007,098).

For claim 20, Koch fails to teach a where the processor is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint

data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both; and, where the filter criteria comprises an n-loudest filter criteria for the purpose of processing only endpoint data only from n-loudest endpoints connected to a conference , including the first and second endpoints.

However, Smyth et al. discloses a teleconference server with a processor (column 5 lines 43 – 45) where the processor is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both(column 2 lines 35 – 46; column 3 line 51 – column 4 line 2) for the purpose of reducing the use of processor resources (Abstract); and, where the filter criteria comprises an n-loudest filter criteria for the purpose of processing only endpoint data only from n-loudest endpoints connected to a conference , including the first and second endpoints. (Smyth et al., column 2 lines 35 – 46; column 3 line 51 – column 4 line 2)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Smyth et al. for the teleconference server disclosed in Koch wherein the processor is further operable to filter, according to a filter criteria, the first conference-endpoint data, the second conference - endpoint data, or both to eliminate endpoint data that would otherwise be communicated to the first endpoint, the second endpoint, or both for the purpose of conserving the use of processor resources. Additionally, the filter criteria comprise an n-loudest filter criteria for the purpose of processing only endpoint data only from n-loudest endpoints connected to a conference, including the first and second endpoints.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2006/0146994) in view of Sarkar et al. (US 7,236,580), and further in view of Geofroy et al. (US 7,124,163).

For claim 22, Koch fails to teach decoding the first conference-endpoint data with a first Coder/Decoder (CODEC) to obtain decoded first conference-endpoint data; and, negotiating with the second endpoint to determine the specific CODEC for the second endpoint, where initiating preparation includes recoding the decoded first conference-endpoint data by applying a specific CODEC, different than the first CODEC, on the decoded first conference-endpoint data.

However, Geofroy et al. discloses data/media servers with computer readable mediums encoded with instructions for the purpose of performing a variety of basic and enhanced services in telephony networks or typical data exchange services of the sort which occur over the Internet including transcoding between different codec types by negotiating with the second endpoint to determine the specific CODEC for the specific endpoint, converting text to speech or speech to text (column 2 lines 5 – 20)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Geofroy et al. to decode the first conference-endpoint data with a first Coder/Decoder (CODEC) to obtain decoded first conference-endpoint data and recode the decoded first conference-endpoint data by applying a specific CODEC, different than the first CODEC, on the decoded first conference-endpoint data for the purpose of providing a conferencing services between disparate communication devices.

Response to Arguments

8. Applicant's arguments, see Remarks, filed 11/13/2008, with respect to the rejection(s) of claim(s) 6 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/

Art Unit: 2614

Examiner, Art Unit 2614

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614

August 11, 2009